

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BEFORE HONORABLE JEFFREY T. MILLER, JUDGE PRESIDING

_____	)	CASE NO. 10CR4246-JM
UNITED STATES OF AMERICA,	)	
PLAINTIFF.	)	SAN DIEGO, CALIFORNIA
	)	
	)	WEDNESDAY, SEPTEMBER 11, 2013
	)	1:30 P.M. CALENDAR
BASAALY SAEED MOALIN,	)	
MOHAMED MOHAMED MOHAMUD,	)	
ISSA DOREH,	)	
AHMED NASIR TAALIL MOHAMUD	)	
DEFENDANTS.	)	
_____	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TELEPHONIC SCHEDULING CONFERENCE

REPORTED BY:

LEE ANN PENCE,  
OFFICIAL COURT REPORTER  
UNITED STATES COURTHOUSE  
333 WEST BROADWAY ROOM 1393  
SAN DIEGO, CALIFORNIA 92101

COUNSEL APPEARING:

FOR PLAINTIFF:

LAURA E. DUFFY,  
UNITED STATES ATTORNEY  
BY: WILLIAM P. COLE  
CAROLINE P. HAN  
ASSISTANT U.S. ATTORNEYS  
880 FRONT STREET  
SAN DIEGO, CALIFORNIA 92101

FOR DEFENDANTS:  
(MR. MOALIN)

JOSHUA L. DRATEL, ESQ.  
ALICE FONTIER, ESQ.  
OFFICE OF JOSHUA L. DRATEL  
2 WALL STREET, THIRD FLOOR  
NEW YORK, NEW YORK 10005

(MR. MOHAMED MOHAMUD)

LINDA MORENO, ESQ.  
LINDA MORENO, P.A.  
P.O. BOX 10985  
TAMPA, FLORIDA 33679

(MR. DOREH)

AHMED GHAPPOUR, ESQ.  
LAW OFFICES OF AHMED GHAPPOUR  
P.O. BOX 20367  
SEATTLE, WASHINGTON 98102

(MR. AHMED MOHAMUD)

THOMAS ANTHONY DURKIN, ESQ.  
2446 NORTH CLARK STREET  
CHICAGO, ILLINOIS 60614

1 SAN DIEGO, CALIFORNIA - WEDNESDAY SEPTEMBER 11, 2013 1:30 P.M.

2 \* \* \*

3 **THE CLERK:** CALLING MATTER 1 ON CALENDAR, 10CR4246,  
4 U.S.A. VERSUS BASAALY SAEED MOALIN, MOHAMED MOHAMED MOHAMUD,  
5 ISSA DOREH, AHMED NASIR MOHAMUD; SET FOR A TELEPHONIC  
6 SCHEDULING CONFERENCE.

7 **THE COURT:** THIS IS JUDGE MILLER SPEAKING. WELCOME  
8 TO ALL OF YOU. WE JUST CALLED THE CASE OF U.S. VERSUS MOALIN.  
9 AND CAN YOU HEAR ME OKAY RIGHT NOW?

10 **MR. DRATEL:** YEAH, GREAT RIGHT NOW, YOUR HONOR.

11 **MS. MORENO:** YES, YOUR HONOR.

12 **MS. ROBERTS:** YES, JUDGE.

13 **THE COURT:** WHAT I WILL ASK YOU TO DO, FIRST OF ALL,  
14 IS TO STATE YOUR APPEARANCES. AND IT IS PROBABLY BETTER THAT  
15 YOU STATE YOUR APPEARANCES AND THEN SPEAK IN THE ORDER OF YOUR  
16 CLIENTS. AND THEN WE WILL HEAR FROM THE GOVERNMENT LASTLY.

17 THEN I WOULD JUST ASK THAT WHENEVER YOU ARE SPEAKING  
18 THAT YOU STATE YOUR NAME BEFORE SPEAKING. WE HAVE ANOTHER  
19 REPORTER TODAY ASSISTING US, AND SHE IS NOT TOO FAMILIAR WITH  
20 THE VOICES. SO I WOULD GREATLY APPRECIATE YOU ANNOUNCING YOUR  
21 NAME BEFORE YOU DO SPEAK.

22 THEN, FINALLY, WITH THIS SYSTEM THAT WE HAVE, I HAVE  
23 NOTICED IN THE PAST THAT WHEN ONE PERSON IS SPEAKING IT IS  
24 VERY DIFFICULT FOR ANOTHER PERSON TO BREAK IN. SO IF YOU TEND  
25 TO GO WITH A MONOLOGUE, IT IS REALLY HARD TO STOP.

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1 SO I WOULD ASK EVERYONE, INCLUDING MYSELF -- I WILL  
2 TRY TO LIVE BY MY OWN SUGGESTION HERE -- TO TAKE A BREATH  
3 EVERY FEW SENTENCES TO SEE IF THERE IS A RESPONSE OR SOMEONE  
4 ELSE NEEDS TO BE HEARD.

5 SO LET'S GO FORWARD WITH THE APPEARANCES, FIRST OF  
6 ALL. START WITH MR. DRATEL.

7 **MR. DRATEL:** GOOD AFTERNOON, YOUR HONOR. JOSHUA  
8 DRATEL, D-R-A-T-E-L, FOR MR. MOALIN.

9 I DON'T KNOW IF ALICE IS ON THE CALL OR NOT.

10 **MS. FONTIER:** SHE IS.

11 **MR. DRATEL:** OKAY. GREAT. SO ALICE FONTIER IS  
12 ALSO ON THE CALL, F-O-N-T-I-E-R.

13 **THE COURT:** THANK YOU.

14 **MS. FONTIER:** GOOD AFTERNOON, YOUR HONOR.

15 **THE COURT:** GOOD AFTERNOON.

16 **MS. MORENO:** GOOD AFTERNOON, YOUR HONOR. LINDA  
17 MORENO ON BEHALF OF MR. MOHAMUD.

18 **THE COURT:** GOOD AFTERNOON MS. MORENO. GOOD TO HEAR  
19 FROM YOU, GOOD TO HEAR YOUR VOICE.

20 THESE ARE FAMILIAR VOICES, AND IT IS NICE TO HEAR  
21 ALL OF YOU.

22 GO AHEAD, PLEASE.

23 **MR. GHAPPOUR:** GOOD AFTERNOON, YOUR HONOR. AHMED  
24 GHAPPOUR ON BEHALF OF ISSA DOREH. AND THAT IS A-H-M-E-D. AND  
25 G-H-A-P-P-O-U-R.

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1           **THE COURT:**   THANK YOU, MR. GHAPPOUR.

2           WE DO HAVE THE CALENDAR IN FRONT OF US, SO WE HAVE  
3 ALL OF THE SPELLINGS, THE COURT REPORTER IS ABLE TO REFER TO  
4 THAT.   THANK YOU.

5           I ASSUME MR. DURKIN IS NEXT UP.

6           **MS. ROBERTS:**   JUDGE, THIS IS JANIS ROBERTS.  
7 MR. DURKIN IS HERE IN THE OFFICE BUT HE IS ON ANOTHER  
8 CONFERENCE CALL.   HE MAY BE JOINING US SHORTLY ON BEHALF OF  
9 AHMED NASIR TAALIL MOHAMUD.

10          **THE COURT:**   THANK YOU, MS. ROBERTS.

11          FROM THE GOVERNMENT.

12          **MR. COLE:**   YES, YOUR HONOR.   WILLIAM COLE AND  
13 CAROLINE HAN FOR THE UNITED STATES.

14          STEVEN WARD COULD NOT ATTEND.   HE HAD TO UNDERGO  
15 SOME SURGERY RECENTLY AND HE IS NOT AVAILABLE TODAY.

16          **THE COURT:**   ALL RIGHT.   THANK YOU VERY MUCH.

17          WELL, WE ARE DISCUSSING THE VIABILITY OF THE DATES  
18 THAT WERE PREVIOUSLY SET FOR THE MOTION, THE JOINT MOTION FOR  
19 NEW TRIAL THAT WAS JUST RECENTLY FILED, AS WELL AS SENTENCING  
20 HEARINGS FOR ALL DEFENDANTS, CONDITIONAL SENTENCING HEARINGS.

21          AND UPON FURTHER REFLECTION OF THESE DATES AND BEING  
22 AWARE OF THE CONSIDERATION OF ALL COUNSEL AND THE DESIRE TO  
23 MOVE SOME OF THESE DATES, I THINK IT WOULD BE APPROPRIATE TO  
24 MODIFY THE SCHEDULE.   AND I HAVE SOME THOUGHTS IN MIND.

25          BUT FIRST OF ALL, I ASSUME EVERYONE IS ON-BOARD

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1 WITH, NUMBER ONE, A WAIVER OF THEIR CLIENT'S PRESENCE, BECAUSE  
2 WE ARE DISCUSSING JUST SCHEDULING. THEN ALSO ON-BOARD WITH  
3 RESPECT TO MODIFYING THE SCHEDULE TO SET SOME LATER DATES.

4 **MR. DRATEL:** ON BEHALF OF MR. MOALIN, YES, YOUR  
5 HONOR.

6 **MS. MORENO:** ON BEHALF OF MR. MOHAMUD, SO WAIVED AND  
7 JOIN, YOUR HONOR.

8 **MR. GHAPPOUR:** ON BEHALF OF MR. DOREH, YES, YOUR  
9 HONOR.

10 **MS. ROBERTS:** AND ON BEHALF OF AHMED NASIR MOHAMUD,  
11 YES.

12 **THE COURT:** OKAY. THANK YOU VERY MUCH.

13 THIS IS WHAT I AM THINKING OF, COUNSEL. THE MOTION  
14 HAS COME IN. I THINK, LOOKING AT WHAT WAS ORIGINALLY  
15 SUBMITTED AS A PROPOSED SCHEDULE, LOOKING AT THE NEEDS OF THE  
16 CASE FROM THIS POINT FORWARD, LOOKING AT SUGGESTED DATES FROM  
17 COUNSEL AND THE COURT'S AVAILABILITY, THE FOLLOWING DATES  
18 WOULD APPEAR TO BE INDICATED. AND WHY DON'T YOU GET READY TO  
19 WRITE THESE DOWN.

20 THE OPPOSITION TO THE MOTION FOR NEW TRIAL WAS  
21 ORIGINALLY SET TO BE FILED AND SERVED NO LATER THAN SEPTEMBER  
22 18. THE NEW PROPOSED DATE OF SEPTEMBER 30 SEEMS TO BE  
23 APPROPRIATE.

24 THE ORIGINAL DATE FOR THE REPLY WAS SEPTEMBER 23RD,  
25 AND THE NEW DATE OF OCTOBER 7 BEING SUGGESTED BY COUNSEL

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1 APPEARS TO BE APPROPRIATE.

2 BOTH THE HEARING DATE FOR THE MOTION FOR NEW TRIAL  
3 AND FOR SENTENCINGS GOING FORWARD ORIGINALLY -- I SHOULDN'T  
4 SAY ORIGINALLY, BUT LAST WAS CALENDARED FOR SEPTEMBER 30, AT  
5 LEAST THAT'S WHAT DATE WE PRESENTLY HAVE ON CALENDAR FOR THE  
6 NEW TRIAL MOTION AS WELL AS SENTENCING HEARINGS.

7 LOOKING AT WHAT HAS BEEN SUBMITTED TO ME BY WAY OF  
8 SUGGESTED DATES, I BELIEVE THAT A DAY SOME TIME DURING THE  
9 WEEK OF NOVEMBER 11TH WOULD BE APPROPRIATE TO HEAR THE JOINT  
10 MOTION FOR NEW TRIAL.

11 NOW, NOVEMBER 11 IS VETERANS DAY, AS YOU ALL KNOW,  
12 SO WE WOULD BE LOOKING AT THE 12TH OR 13TH AS THE MOST VIABLE  
13 DATES FOR THE HEARING ON THE MOTION FOR NEW TRIAL.

14 AND THEN MY SUGGESTION WOULD BE THAT WE ALLOW A  
15 PERIOD OF TIME BETWEEN THE MOTION HEARING DATE AND THE DATE  
16 THAT ARE CONDITIONALLY BEING SET FOR THE SENTENCING HEARINGS  
17 GOING AHEAD.

18 AND MY SUGGESTION WOULD BE THAT WE HAVE A DATE SET  
19 SOMETIME DURING THE FOLLOWING WEEK, THE WEEK OF NOVEMBER 18,  
20 AS A DATE FOR A SENTENCING FOR ALL FOUR DEFENDANTS. AND  
21 OBVIOUSLY THAT IS CONDITIONED UPON THE MOTION FOR NEW TRIAL  
22 BEING DENIED.

23 SO, MR. DRATEL --

24 **MR. DRATEL:** YOUR HONOR --

25 **THE COURT:** -- I KNOW YOU ARE BUSY, BUT --

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1           **MR. DRATEL:** UNFORTUNATELY, OR FORTUNATELY, I WAS  
2 SUPPOSED TO HAVE A TRIAL THAT GOT MOVED, SO IT IS ACTUALLY  
3 CLEAR, SO THOSE TWO WEEKS ARE GOOD.

4           I WOULD PREFER THE 13TH SIMPLY BECAUSE I KNOW THAT  
5 FLYING ON THREE-DAY WEEKENDS -- WHICH, YOU KNOW, I WOULD DO,  
6 COME OUT THE NIGHT BEFORE. SOMETIMES FLYING ON THREE-DAY  
7 WEEKENDS IS MORE DIFFICULT. SO IF I COULD FLY OUT THE 12TH  
8 AND WE COULD DO IT ON THE 13TH THAT WOULD BE GREAT. AND  
9 WHATEVER DAY THE FOLLOWING WEEK IS GOOD FOR EVERYONE. I AM  
10 COMPLETELY FLEXIBLE FOR THOSE DAYS.

11           **THE COURT:** MS. MORENO.

12           **MS. MORENO:** YOUR HONOR, I AGREE. I AM OPEN ON THE  
13 13TH. AND FLYING AS MUCH AS I DO, I AGREE WITH JOSH'S  
14 ASSESSMENT. SO I AM OPEN ON THE 13TH.

15           WITH RESPECT TO THE SENTENCING THE WEEK OF THE 18TH,  
16 FROM THE 20TH ON I WILL BE IN LONDON. BUT I COULD DEFINITELY  
17 BE IN COURT ON THE 18TH, YOUR HONOR.

18           **THE COURT:** OKAY.

19           **MS. MORENO:** FOR SENTENCING.

20           **THE COURT:** OKAY. VERY GOOD.

21           AND YOU, AS WELL, MR. DRATEL, I KNOW.

22           **MR. DRATEL:** YES.

23           **THE COURT:** AND MR. GHAPPOUR?

24           **MR. GHAPPOUR:** YOUR HONOR, I AM FREE, AND I DO ALSO  
25 PREFER THE 13TH. I TEACH ON THE 12TH AND THE 14TH, SO THE

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1 13TH WOULD BE IDEAL.

2 I WOULD ALSO PREFER SOMETHING ON THE 18TH OR 19TH  
3 JUST TO REDUCE COSTS FOR THE DEFENSE.

4 **THE COURT:** OKAY. VERY GOOD.

5 MS. ROBERTS.

6 **MR. DURKIN:** THIS IS MR. DURKIN. I AM HERE WITH  
7 HER. I APOLOGIZE FOR BEING LATE.

8 **THE COURT:** OKAY.

9 **MR. DURKIN:** I AM DEALING WITH A 93-YEAR-OLD FATHER.

10 **THE COURT:** OKAY. THANK YOU, MR. DURKIN.

11 **MR. DURKIN:** THE 13TH WOULD BE BETTER FOR US,  
12 PARTICULARLY IF WE COULD DO IT IN THE AFTERNOON. I TEACH THE  
13 EVENING OF THE 12TH. IF I HAVE TO CANCEL THAT I WOULD, BUT I  
14 TEACH AT THE LOYOLA CHICAGO LAW SCHOOL ON THE NIGHT OF THE  
15 12TH.

16 THAT NEXT WEEK I HAVE A TRIAL SET IN THE NORTHERN  
17 DISTRICT OF INDIANA FOR NOVEMBER 19TH, BUT I TOLD MR. COLE AND  
18 THE OTHERS, ON FRIDAY WE MOVED TO CONTINUE THAT CASE BASED ON  
19 THE HEALTH -- THE PHYSICAL HEALTH OF OUR CLIENT. I DON'T KNOW  
20 WHETHER IT WILL BE GRANTED, THOUGH. I KNOW THE GOVERNMENT MAY  
21 HAVE SOME ISSUES WITH THIS. BUT THAT IS MY ONLY RESERVATION.  
22 I WILL -- THAT WEEK, I AM HOPING THAT IT WILL BE WIDE OPEN.

23 **THE COURT:** OKAY.

24 **MR. DURKIN:** SO MAYBE IF WE SET IT ON THE 18TH -- I  
25 HATE TO HAVE TO DO IT ON -- I WOULD PREFER LATER THAT WEEK,

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1 BUT IF THE 18TH IS BETTER FOR EVERYONE ELSE, THAT MIGHT WORK.

2 **THE COURT:** YEAH, SOUNDS LIKE THE 18TH IS THE DATE  
3 WE ARE HOMING IN ON.

4 THANK YOU, MR. DURKIN. I HOPE ALL IS WELL WITH YOUR  
5 FATHER.

6 AND MR. COLE?

7 **MR. COLE:** YES, YOUR HONOR. THOSE DATES ARE FINE,  
8 BOTH THE 13TH AND THE 18TH.

9 **THE COURT:** OKAY. NOVEMBER 13, NOVEMBER 18. OKAY.  
10 I THINK WE HAVE GOT THOSE DATES SET, THEN.

11 THERE IS ONLY ONE QUESTION, WHETHER IT IS GOING TO  
12 BE A MORNING OR AN AFTERNOON. AND, LET'S SEE. FRANKLY, IT  
13 WOULD -- EITHER WAY IT IS OKAY, IT IS OKAY FOR ME.

14 IF IT IS BETTER FOR MOST PEOPLE TO HAVE IT IN THE  
15 AFTERNOON OF THE 18TH, I AM HAPPY TO GO ALONG WITH THAT.

16 **MR. DURKIN:** THAT WOULD BE GREAT, JUDGE. I WOULD  
17 PREFER AFTERNOONS BOTH TIMES.

18 **THE COURT:** ALL RIGHT.

19 AND I ASSUME THAT THE AFTERNOON OF NOVEMBER 13 IS  
20 ACCEPTABLE TO EVERYONE ELSE.

21 ARE THERE ANY DISSENTING VOTES?

22 HEARING NO DISSENT, OKAY. WE WILL SCHEDULE IT FOR  
23 NOVEMBER 13 AT 1:30 IN THE AFTERNOON.

24 AND THEN WE NEED TO LOCK IN THE DATE FOR THE  
25 SENTENCING HEARINGS. ASSUMING SENTENCING HEARINGS ARE GOING

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1 FORWARD, WE WOULD HAVE FOUR DIFFERENT MATTERS. AND THAT WOULD  
2 BE ON NOVEMBER 18, AND WE SHOULD GET STARTED BY 9:00 A.M. ON  
3 THE 18TH.

4 **MS. MORENO:** I HAVE A QUESTION, YOUR HONOR. THIS IS  
5 LINDA MORENO.

6 **THE COURT:** YES.

7 **MS. MORENO:** IF SENTENCING PROCEEDS ON NOVEMBER 18TH  
8 WOULD THE COURT THEN AMEND THE DUE DATE FOR THE SENTENCING  
9 MEMORANDUM TO TWO WEEKS PREVIOUS?

10 **THE COURT:** WELL, YOU KNOW, I DON'T KNOW WHAT IS  
11 COMING IN. LET'S SEE, THAT WOULD BE -- WHAT YOU ARE  
12 SUGGESTING, MS. MORENO, IS -- WE ARE TALKING ABOUT  
13 NOVEMBER 18. THAT IS A MONDAY. ALL SENTENCING MATERIALS IN  
14 BY NOVEMBER 4TH.

15 IF I -- IF THAT'S GOING TO BE A FIRM DATE WITHOUT  
16 ANYONE SLIPPING ANY MATERIALS IN LATER THAN THAT, I WILL SAY  
17 OKAY. BECAUSE WHAT I WILL PROBABLY END UP DOING IS LOOKING AT  
18 EVERYTHING, ONCE THESE DOCUMENTS ARE FILED. AND SO -- AND  
19 PREPARING FOR THE MOTION FOR NEW HEARING AS WELL AS THE  
20 SENTENCING HEARINGS. SO TWO WEEKS BEFORE IS FINE.

21 THAT WOULD ALSO -- WELL, LET ME ASK THIS.

22 MR. COLE, ARE YOU CONTEMPLATING FILING SOME KIND OF  
23 A RESPONSE TO SENTENCING MATERIALS THAT COME IN, SENTENCING  
24 PAPERS COMING IN FROM THE DEFENSE?

25 **MR. COLE:** WELL, YOUR HONOR, WE WOULD FILE A

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1 SENTENCING MEMORANDUM TWO WEEKS -- ON NOVEMBER 4TH, THAT'S THE  
2 DATE SET, WE WILL FILE OUR SENTENCING MEMORANDUM AND OUR  
3 SENTENCING SUMMARY CHARTS THAT DAY.

4 OUR SENTENCING MEMORANDUM WILL PROBABLY ANTICIPATE  
5 SOME OF THE DEFENSE ARGUMENTS, JUST FROM THEIR OBJECTIONS TO  
6 THE P.S.R. AND SO WE WOULD HAVE TO SEE THEIR MEMORANDUM TO  
7 DETERMINE WHETHER THERE IS ANYTHING LEFT THAT WOULD REQUIRE A  
8 SEPARATE RESPONSE.

9 BUT CERTAINLY IF YOU WANT TO PROVIDE A DATE FOR US  
10 TO RESPOND WE CAN, OR IT COULD BE SIMULTANEOUS MEMORANDUM, I  
11 GUESS. YOU KNOW, WHICHEVER IS THE COURT'S PREFERENCE.

12 **THE COURT:** WELL, ASSUMING THAT ONE SIDE OR THE  
13 OTHER WOULD WANT TO RESPOND TO PAPERS FILED BY THE OPPOSITION,  
14 IT MIGHT MAKE SENSE, THEN, TO HAVE THE SENTENCING MATERIALS  
15 DUE OCTOBER 28TH, ALL SENTENCING MATERIALS OCTOBER 28. THEN  
16 ANY REPLY PAPERS NO LATER THAN NOVEMBER 4, SO I WOULD BE  
17 PUSHING THAT UP ONE WEEK.

18 **MS. FONTIER:** THAT'S FINE.

19 **MR. DRATEL:** THAT IS FINE.

20 **THE COURT:** IS THAT ACCEPTABLE TO ALL DEFENSE  
21 COUNSEL?

22 **MR. GHAPPOUR:** YEAH, THAT IS FINE.

23 **MS. MORENO:** YES, YOUR HONOR.

24 **MR. DURKIN:** YES, YOUR HONOR.

25 **THE COURT:** OKAY. THERE BEING NO DIFFICULTIES OR

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1 DISSENTS, ALL SENTENCING MATERIALS, ALL SENTENCING PAPERS ARE  
2 TO BE FILED AND SERVED NO LATER THAN OCTOBER 28. AND THEN  
3 THERE WOULD BE ONE WEEK FOR REPLY, DUE TO BE FILED AND SERVED  
4 NO LATER THAN NOVEMBER 4. OKAY. I THINK WE HAVE GOT IT.

5 ARE THERE ANY OTHER MATTERS RELATED TO SCHEDULING  
6 THAT I HAVEN'T ADDRESSED THAT NEED TO BE ADDRESSED?

7 **MR. COLE:** YOUR HONOR, THIS IS WILLIAM COLE.

8 MAYBE I JUST MISSED IT, DID YOU SET AN ACTUAL TIME  
9 FOR THE 13TH?

10 **THE COURT:** YES. 1:30 IN THE AFTERNOON.

11 **MR. COLE:** 1:30. OKAY.

12 **THE COURT:** THEN FOR THE 18TH IT IS 9:00 A.M.

13 **MR. COLE:** OKAY.

14 **THE COURT:** I ASSUME COUNSEL WILL BE RETURNING, WILL  
15 ARGUE THE MATTER ON NOVEMBER 13 AND THEN RETURN NOT STAYING  
16 OVER UNTIL THE 18TH. AM I CORRECT?

17 **MS. FONTIER:** YOUR HONOR, THIS IS ALICE FONTIER.

18 I WAS JUST GOING TO RAISE THIS. MY INTENTION WOULD  
19 BE TO STAY OUT THERE PRIMARILY BECAUSE MR. MOALIN -- AND THIS  
20 ALSO PERTAINS TO MR. DOREH. THEY ARE BOTH NOW AT CALIFORNIA  
21 CITY, SO I HAVE NOT HAD ANY ACCESS PERSONALLY TO MEET WITH  
22 MR. MOALIN SINCE HE WAS MOVED OUT THERE WHICH HAPPENED  
23 PROBABLY ABOUT A MONTH AND A HALF OR TWO MONTHS AGO AT THIS  
24 POINT. I HAVE SPOKEN TO HIM ON THE PHONE, OBVIOUSLY.

25 BUT I WOULD ASK THAT THE -- I DON'T KNOW IF THE

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1 COURT CAN ORDER THIS OR WHAT THE USUAL THING IS, BUT IF THERE  
2 IS ANY WAY THAT MR. MOALIN CAN BE TRANSFERRED BACK TO GEO AND  
3 KEPT THERE BETWEEN THE 13TH AND THE 18TH THAT WOULD BE MY  
4 REQUEST, SO THAT I CAN MEET WITH HIM.

5 **MR. DRATEL:** YOUR HONOR, THIS IS MR. DRATEL.

6 I MAY BE DOING THE SAME THING. I HAVE TO CONFIGURE  
7 IT TO WHAT THE MOST EFFICIENT WAY TO DO THIS, IN OTHER WORDS,  
8 IS WHETHER TO LEAVE AS TO THE 13TH AND THEN COME BACK FOR THE  
9 18TH, OR JUST TO STAY AND POSSIBLY SPEND SOME TIME WITH  
10 MR. MOALIN, PERHAPS DO SOME OTHER THINGS THAT I MIGHT BE ABLE  
11 TO DO WHILE I AM OUT THERE. I WILL JUST HAVE TO CONFIGURE  
12 THAT. I DON'T THINK IT SHOULD CHANGE THE SCHEDULE.

13 **THE COURT:** OKAY. WELL, WHAT I WILL DO IS -- NO  
14 ASSURANCES HERE. BUT WHAT I WILL DO IS I WILL SUGGEST TO  
15 B.O.P. AND/OR THE MARSHALS THAT IT WOULD BE APPROPRIATE TO  
16 HAVE THESE GENTLEMEN KEPT HERE LOCALLY FROM THE 13TH THROUGH  
17 THE 18TH. AND WE WILL SEE.

18 AS I SAY, IT IS ONE OF THOSE AREAS WHERE THE JUDGES  
19 DON'T HAVE TOO MUCH CONTROL, BUT I WILL CERTAINLY MAKE THE  
20 SUGGESTION.

21 **MS. FONTIER:** THANK YOU VERY MUCH, YOUR HONOR.

22 **THE COURT:** ALL RIGHT.

23 ANYTHING ELSE, COUNSEL, FROM ANYONE?

24 APPARENTLY NOT. OKAY.

25 WE WILL BE GETTING OUT A REVISED ORDER, SCHEDULING

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1 ORDER THEN. LOOK FOR THAT. BUT ALL OF THESE DATES AND THE  
2 BRIEFING SCHEDULE WE HAVE DISCUSSED WILL BE INCORPORATED INTO  
3 THE REVISED ORDER.

4 ALL RIGHT, COUNSEL. I WISH YOU ALL THE BEST, AND WE  
5 WILL SEE YOU ON THE 13TH OF NOVEMBER.

6 **MS. FONTIER:** THANK YOU, YOUR HONOR.

7 **MR. DRATEL:** THANK YOU, YOUR HONOR.

8 **MR. DURKIN:** THANK YOU.

9 **MR. GHAPPOUR:** THANK YOU, YOUR HONOR.

10 **THE COURT:** ALL RIGHT.

11  
12 \* \* \*

13 I CERTIFY THAT THE FOREGOING IS A CORRECT  
14 TRANSCRIPT FROM THE RECORD OF PROCEEDINGS  
IN THE ABOVE-ENTITLED MATTER.

15 S/LEEANN PENCE

4/18/2014

16 LEEANN PENCE, OFFICIAL COURT REPORTER DATE  
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